

February 28, 2001

Randy Bates, Project Analyst  
Division of Governmental Coordination  
Office of the Governor  
P.O. Box 110030  
Juneau, AK 99811-0030

Dear Mr. Bates.

The Southeast Alaska Conservation Council (SEACC) offers our comments on the Alaska Coastal Management Program's consistency review regulations at 6 AAC 50. SEACC fully supports and incorporates the comments submitted to the Department of Governmental Coordination (DGC) signed by twelve conservation organizations. SEACC signed this letter.

SEACC is a coalition of 18 local, volunteer conservation organizations in 14 communities along the Alaska panhandle, from Ketchikan to Yakutat. SEACC is dedicated to preserving the integrity of Southeast Alaska's unsurpassed natural environment while providing for balanced and sustainable use of our region's resources.

Stretching from Ketchikan to Kodiak, the Alaska coastal rainforest contains thousands of miles of coastline. For thousands of years, these rich marine waters and submerged tidelands have supported commercial, recreational, and subsistence uses, as well as serving as important access routes between far-flung coastal communities. It is vital that the public maintains full ability to participate in the Alaska Coastal Management Program (ACMP) consistency determination and review process. Alaska's coastal resources belong to all Alaskans, including future generations, and it is the State's duty to manage these resources in full compliance with state and federal law.

Because coastal resources belong to all citizens of Alaska, the public must be fully involved in review of all projects that may affect the coastal zone and coastal resources. All concerned citizens and communities must be afforded the ability to comment on particular projects, whether or not they live in the coastal district in which the project is located. Under the proposed regulations at 6 AAC 50.510, concerned citizens who believe a proposed project is inconsistent with ACMP enforceable policies, must identify and cite the policy. The average citizen concerned about impacts to a particular area usually does not have the expertise and understanding of the regulations and policies of the ACMP. If citizens do not cite the particular enforceable policy, their comments are not fairly considered nor are they able to file a petition

for reconsideration at a later date. This inappropriately places a higher burden on the public. The public should be allowed to comment on project impacts to the coastal zone without identifying the specific enforceable policy with which the project may be inconsistent. It must be the agency's responsibility to determine the applicability of the enforceable policies of the ACMP. This will allow for more complete and meaningful public participation in the consistency review process.

In addition, the proposed elevation and petition procedures outlined in Article 6 lack a meaningful avenue for concerned citizens and citizens groups to elevate and challenge consistency determinations. Under 6 AAC 50.610(a), only "a resource agency, project applicant, or affected coastal resource district" are allowed access to the elevation process. The public must be afforded the opportunity to appeal consistency determination decisions.

Thank you for the opportunity to comment.

Sincerely,

Sarah Keeney  
Water Quality/Mining Organizer